



NOTICE OF DECISION

HEARING DATE: Wednesday, June 22, 2016

TO: All Interested Parties

FROM: Jason T., Assistant Planner

PROPOSAL: **LD2015-0029, TP2015-0017 and ADJ2015-0008, ADJ2015-0009, SDM2015-0015 (Hall Boulevard 15-Lot Preliminary Subdivision).**

LOCATION: The property is located at 7865 SW Hall Boulevard. Tax lot 2500 of Washington County's Tax Assessors tax map 1S122CC .The total site is approximately .90 acres.

SUMMARY: Preliminary subdivision approval to develop an approximately .90 acre lot in the R2 zoning district, into a fifteen (15) lot single family Preliminary Subdivision, Tree Plan Type 2 application to remove 53 community trees, Major Adjustment applications to reduce the required 5-foot side yard setbacks to 3-feet, with a minimum of 6-feet between houses and to reduce the required 15-foot rear yard setbacks to 12-feet and a Sidewalk Design Modification application to reduce the planter strip on the northwest side of the proposed private street from 6.5-feet to 5.5-feet and to provide an 8-foot, on-street parking aisle along the southeast side of the proposed private street, in lieu of a sidewalk and planter strip.

APPLICANT-PROPERTY OWNER: Sustainable Infill Development
Attn: Simon Lofts
795 NW Torrey View Lane
Portland, OR 97229

APPLICANT: Mark Dane Planning
12725 SW Glen Haven Street
Portland, OR 97225

APPLICABLE CRITERIA: Preliminary Subdivision: Section 40.45.15.5.C
Tree Plan Two: Section 40.10.15.1.C
Major Adjustment: Section 40.10.15.2.C
Sidewalk Design Modification: Section 40.58.15.C
Facilities Review: Section 40.30

RECOMMENDATIONS:

APPROVAL of LD2015-0029 (Hall Boulevard 15 - Lot Preliminary Subdivision) subject to conditions identified at the end of this report.

APPROVAL of TP2015-0017 (Hall Boulevard 15 - Lot Preliminary Subdivision) subject to conditions identified at the end of this report.

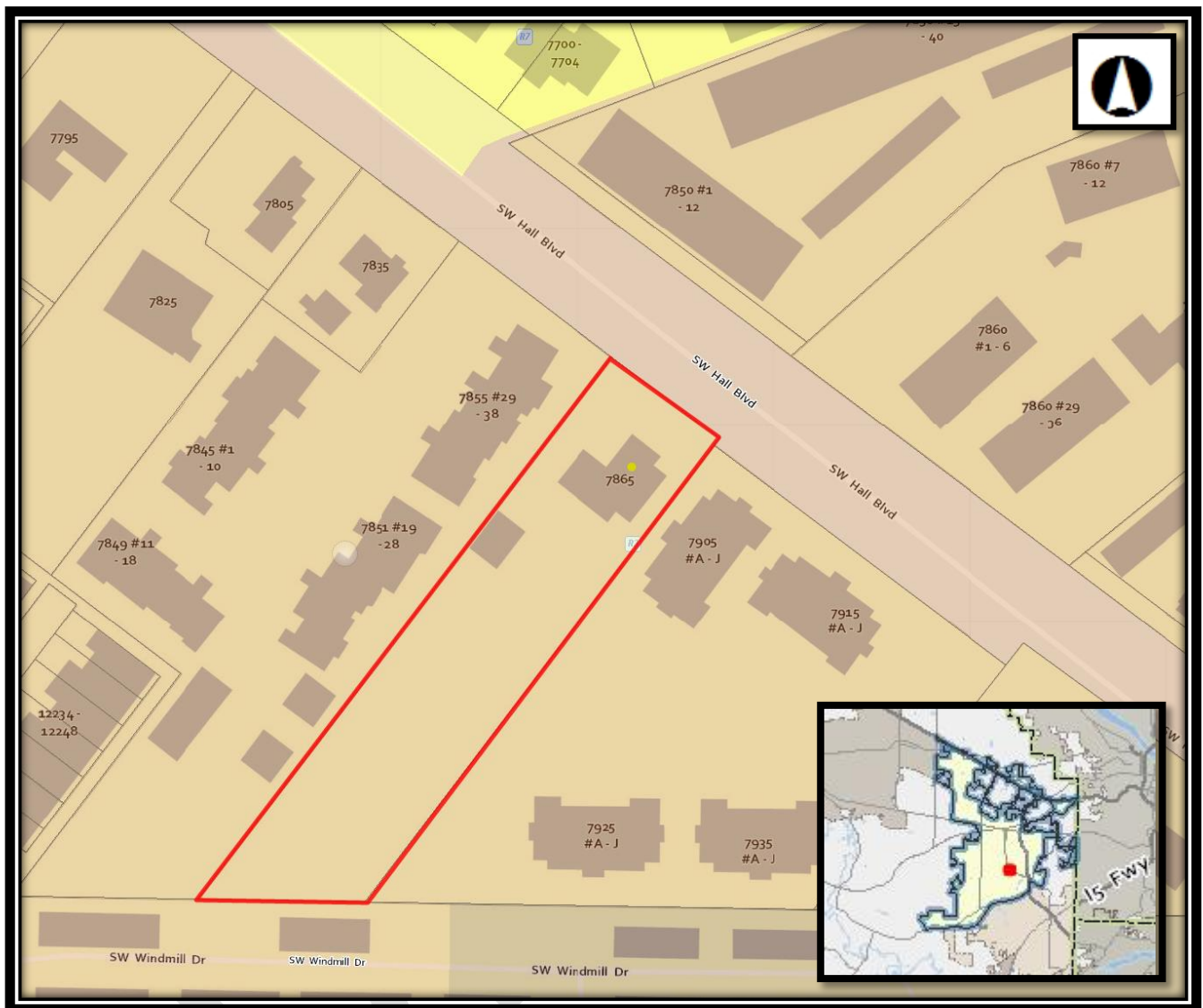
APPROVAL of ADJ2015-0008, ADJ2015-0009 (Hall Boulevard 15 - Lot Preliminary Subdivision) subject to conditions identified at the end of this report.

APPROVAL of SDM2015-0015 (Hall Boulevard 15 - Lot Preliminary Subdivision) subject to conditions identified at the end of this report.

DRAFT

VICINITY MAP

Exhibit 1



BACKGROUND FACTS

Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>Final Written Decision Date</u>	<u>240-Day*</u>
LD2015-0029	December 21, 2015	March 30, 2016	June 15, 2016	December 30, 2016
TP2015-0017	December 21, 2015	March 30, 2016	June 15, 2016	December 30, 2016
ADJ2015-0008	December 21, 2015	March 30, 2016	June 15, 2016	December 30, 2016
ADJ2015-0009	December 21, 2015	March 30, 2016	June 15, 2016	December 30, 2016
SDM2015-0015	December 21, 2015	March 30, 2016	June 15, 2016	December 30, 2016

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	R2 (Urban Medium Density)	
Current Development	This property is currently developed with a single family home.	
Site Size	Approximately .90 Acres	
NAC	Greenway	
Surrounding Uses	<u>Zoning:</u> North: R2 South: R2 East: R2 West: R2	<u>Uses:</u> North: Multi-Family South: Multi-Family East: Multi-Family West: Multi-Family

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Exhibit 1. Vicinity/Zoning Map

Exhibit 2. Agency Comments

Conditions of approval dated May 10, 2016, by Jeremy Foster, Fire Marshal for Tualatin Valley Fire and Rescue.

Exhibit 3. Public Comment

No public comments were received

**Facilities Review Committee
Technical Review and Recommendations
LD2015-0029, TP2015-0017, ADJ2015-0008, ADJ2015-0009, SDM2015-0015
Hall Boulevard 15-Lot Preliminary Subdivision**

Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the five (5) applications as identified above:

- A. *All critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.***

Facts and Findings:

Chapter 90 of the Development Code defines “critical facilities” to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation and fire protection. Staff concurs with the applicant’s statement that the site currently has adequate capacity or can be improved to have the capacity for all critical facilities and services to serve the site.

Transportation Finding:

The proposed development of fifteen (15) single-family detached dwellings is expected to generate a level of new traffic that is lower than the thresholds where additional traffic analysis is required. Therefore, no Traffic Management Plan or Traffic Impact Analysis is required. The existing transportation network and the intersections near the site are expected to continue to function within accepted performance parameters.

Street Widths

The Beaverton Transportation System Plan classifies SW Hall Boulevard as an Arterial, which has a design right-of-way width of 96-feet per the Engineering Design Manual. The existing right-of-way adjacent to the subject lot is approximately 43-feet wide from center line, which is less than the required 48-foot width needed, therefore additional right-of-way dedication of 5-feet is required.

A Private Drive with no direct connection to SW Hall Boulevard, is proposed to be designed to a modified L3 local street with two 10-foot travel lanes.

Sidewalk Widths

To meet standards, Arterial streets are to have 6-foot-wide sidewalks and 7.5-foot-wide planter strips (measured to the face of the curb). The applicant’s plans show construction of the required sidewalk along the SW Hall Boulevard frontage consistent with this standard with a slight modification for the required fire access, as shown on the site plan, sheet C1.1. As a

condition of approval, the sidewalk work must be completed prior to occupancy (final inspection) of the new houses.

Along the proposed private street, the applicant has proposed a 5-foot sidewalk and 5.5-foot planter strip of the northwest side of the two 10-foot travel lanes and an 8-foot parking aisle on the southeast side of the travel lanes. The applicant applied for a Sidewalk Design Modification for approval to reduce the planter strip on the northwest side of the proposed private street from 6.5-feet to 5.5-feet and to provide an 8-foot, on-street parking aisle along the southeast side of the proposed private street, in lieu of a sidewalk and planter strip.

Driveway Spacing

All fifteen lots will access SW Hall Boulevard via a shared access driveway through the apartment complex to the southeast, therefore no additional driveway is required.

Fire Protection

Tualatin Valley Fire & Rescue (TVF&R) provides fire protection services for property in this area. TVF&R has reviewed the project and has provided conditions of approval with regard to this proposal, included as Exhibit 2 herein.

Prior to issuance of any building permit, the sidewalk and planter strip connecting to SW Hall Boulevard shall be constructed to meet minimum fire truck loading requirements. Fire Department access (i.e. chain or gate) shall be approved by the Fire Marshall.

Public water

Water service is provided by the City of Beaverton through water mains in SW Hall Boulevard. Staff concurs with the applicant's statement, that the available service has sufficient capacity to serve the proposed development. The applicant will have the public main extended to the proposed properties as part of the Site Development process.

Public sanitary sewer

Sanitary sewer service is provided by the City of Beaverton through sewer mains near the SE corner of the lot. The applicant will have the public main extended to the proposed properties as part of the Site Development process. The available service has sufficient capacity to serve the proposed development.

Storm water drainage

The City of Beaverton provides storm water service through mains near the SE corner of the lot. The applicant will have the public main extended to a proposed storm water tract and to the proposed properties as part of the Site Development process.

Therefore, staff finds that by satisfying the conditions of approval, the proposal meets the criterion for approval.

- B. Essential facilities and services are available or can be made available, with adequate capacity to serve the development prior to its occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five (5) years of occupancy.***

Facts and Findings:

Chapter 90 of the Development Code defines “essential facilities” to be services that include schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities in the public right-of-way. The applicant states that all essential facilities and services necessary to serve the proposed residential project are available, have adequate capacity, or can be improved to have capacity to serve the proposed project.

Utility Undergrounding (Section 60.65)

All utility poles must be moved and all utilities shall be placed underground to accommodate the proposed improvements.

Applicant shall provide plans prior to the issuance of a site development permit, for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. The affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code.

Transit improvements

This area is served by Tri-Met public transportation. Tri-Met has not provided comments addressing transit needs and potential future transit stops within the vicinity of the roadway project. There is a Trimet bus stop directly adjacent to the subject lot on SW Hall Boulevard. The proposed improvements to the surrounding sidewalk system will improve the access to the nearby transit stops.

Police protection

The site will be served by the Beaverton Police Department for public safety. The City of Beaverton Police Department received a copy of the submittal and have not provided comments in regard to this proposal.

On-site pedestrian and bicycle facilities

As a condition of approval, the applicant shall construct new sidewalks along the SW Hall Boulevard frontage to the Arterial standard, 6-foot sidewalk and 7.5-foot planter strip as shown in the Engineering Design Manual with modifications per the approved site plan. The applicant has also proposed a private sidewalk along the length of the private street, so as to allow pedestrian access directly to the public sidewalk.

Therefore, staff finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

- C. *The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses).***

Facts and Findings:

The property is zoned Urban Medium Density (R-2). Standards of this zone require a minimum land area of 2,000 square feet per lot with no minimum lot dimensions. All fifteen lots will be a minimum of 2,300 square feet in size and are proposed to have a rear yard setback of twelve (12) feet, reduced from the standard 15-foot rear setback; side setbacks of 3-feet with a minimum distance of 6-feet between dwelling units, reduced from the standard 5-foot side setback. The applicant states that due to the configuration of the lots, the reduced rear and side yard setbacks will have minimal effect on the surrounding neighborhood. ADJ2015-0008 and ADJ2015-0009 have been submitted in conjunction with the land division application. The applicant's Major Adjustment proposals are subject to separate approval criteria as shown in attachment D herein.

Therefore, staff finds that with satisfying the conditions of approval, the proposal meets the criterion for approval.

- D. *The proposed development is consistent with all applicable provisions of Chapter 60 (Special Regulations) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Regulations), are provided or can be provided in rough proportion to the identified impact(s) of the proposed development.***

Facts and Findings:

The following provisions in Chapter 60 were determined to be applicable.

Off-Street Parking Requirements (Section 60.30)

Within the R2 zone the off-street parking space requirement is one space per dwelling. The applicant's proposal meets the required number of off street parking spaces.

Trees and Vegetation Requirements (Section 60.60)

There are no protected trees on the site. There are fifty three (53) Community Trees greater than 10-inches in diameter proposed for removal from the site. TP2015-0017 has been submitted in conjunction with the land division application. New street trees will be planted to meet the applicable requirements. Refer to the submitted landscape plan for planting schedule.

Street Trees (Section 60.15.15.6)

Section 60.15.15.6 requires street trees along residential developments. The applicant has proposed street trees along the private street but not along both SW Hall Boulevard. Prior to the issuance of a site development permit, the applicant shall provide street trees in accordance with our street tree program.

Transit Facilities (Section 60.55.40)

The nearest bus stop is located directly adjacent to SW Hall Boulevard and serves two bus routes (Numbers 76 and 78). No new transit facilities are proposed or warranted.

Street and Bicycle and Pedestrian Connection (Section 60.55.25)

The applicant has proposed a 5-foot wide concrete sidewalk and 5.5-foot planter strip along the southwest side of the proposed private street. The proposed private sidewalk will connect directly to the public sidewalk along SW Hall Boulevard. The applicant has proposed a fire entrance over a portion of the SW Hall Boulevard planter strip and sidewalk that will be engineered to withstand the loads of a fire vehicle.

Sidewalk design modification, SDM2015-0015, has been submitted in conjunction with the land division application, addresses the deviation from the standard sidewalk and planter strip design as shown in the Engineering Design Modification.

Solar Access Protection (Section 60.45)

The solar design standard applies only to subdivisions and partitions in the R10, R7 and R5 zones. This standard is not applicable to the proposed subdivision, as it is located in the R2 zone.

Minimum Street Widths (Section 60.55.30)

The Beaverton Transportation System Plan classifies SW Hall Boulevard as an Arterial, which has a standard design width of 96-feet per the Engineering Design Manual. The existing SW Hall Boulevard right-of-way adjacent to the subject lot is approximately 43-feet wide from center line, which is less than the required width of 48-feet. Therefore additional right-of-way dedication of 5-feet is required.

A Private street with no direct connection to SW Hall Boulevard, is proposed to be designed to a modified L3 local street standard, as shown on the site plan. Section 60.05.20.8.1.B states that private streets serving non-residential uses and residential uses having five or more units shall have raised curbs and minimum five (5) foot wide unobstructed sidewalks on both sides. The L3 local street standard requires a 5-foot sidewalk and 6.5-foot planter strip. The applicant submitted a Sidewalk Design Modification application (SDM2015-0015) which proposes a modified L3 design, so as to meet the intent of this section but that also meets the unique requirements of the lot.

Access Standards (Section 60.55.35)

All fifteen lots will have indirect access to SW Hall Boulevard via a shared access driveway/easement through the apartment complex to the southeast. Therefore, no additional driveway is required. There will be no direct connection to SW Hall Boulevard permitted.

Therefore, staff finds that by satisfying the conditions of approval, the proposal meets the criterion for approval.

- E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency;**

Facts and Findings:

The applicant states that individual homeowners will provide continued periodic landscape maintenance of individual properties. A homeowners association will be formed to maintain the common private street/parking, garbage enclosure, mailboxes, sidewalk and planter strip.

Prior to issuance of the Final Plat , the applicant shall provide a written maintenance agreement or homeowner association conditions, covenants and restriction document in regards to the ongoing maintenance of the common private street, trash enclosure, mailboxes, sidewalk, planter strip and street trees. The agreement shall be recorded and the record number noted on the final plat approved by the Washington County Surveyor's Office.

The proposal, as represented does not present any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure and facilities on site.

Therefore, staff finds that by satisfying the conditions of approval, the proposal meets the criterion for approval.

- F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.**

Facts and Findings:

The applicant states the proposed vehicular and pedestrian circulation has been designed to the minimum requirements and standards that facilitate safe, efficient, and direct travel.

The applicant has proposed on-site pedestrian walkways a minimum of 5-feet in width, which connect all fifteen proposed lots directly to the SW Hall Boulevard right-of-way.

Therefore, staff finds that by satisfying the conditions of approval, the proposal meets the criterion for approval.

- G. The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.**

Facts and Findings:

The applicant states the proposal's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.

Staff concurs with the applicant's findings. Refer to section F above for staff's response.

Therefore, staff finds that by satisfying the conditions of approval, the proposal meets the criterion for approval.

- H. Structures and public facilities and services serving the development are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.***

Facts and Findings:

The applicant indicates that public facilities serving the site will meet City codes and standards that provide adequate fire protection and emergency vehicle access to each lot. The applicant's plans have been reviewed by the TVF&R Fire Marshal and conditions of approval are provided as Exhibit 2, herein.

Therefore, staff finds that by satisfying the conditions of approval, the proposal meets the criterion for approval.

- I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.***

Facts and Findings:

The conditions of approval stated at the end of this document, provide requirements of the applicant to obtain a Site Development and Building Permit through the City, to ensure that structures and public facilities will be designed and built in according to the applicable codes and standards.

Therefore, staff finds that by satisfying the conditions of approval, the proposal meets the criterion for approval.

- J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.***

Facts and Findings:

The committee notes the proposed grading plan for the proposal appears to adequately mitigate potential adverse effects on neighboring properties and public rights-of-way. The applicant has provided preliminary plans and calculations for a storm tract, to be dedicated to the city for storm water treatment and detention. City Site Development Division staff has recommended conditions of approval to ensure that any proposed grading will comply with City standards.

Therefore, staff finds that by satisfying the conditions of approval, the proposal meets the criterion for approval.

- K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.***

Facts and Findings:

The applicant is required to meet all applicable accessibility standards of the International Building Code, the International Fire Code, and other standards as required by the American Disabilities Act (ADA). Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals.

Therefore, staff finds that by satisfying the conditions of approval, the proposal meets the criterion for approval.

- L. The proposal contains all required submittal materials as specified in Section 50.25.1 of the Development Code.***

Facts and Findings:

The applicant has supplied all applicable submittal requirements, as specified in Section 50.25.1 of the Development Code.

Therefore, staff finds that the proposal meets the criterion for approval.

Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
Urban Medium Density (R2) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.05.20			
Permitted Uses	Detached Residential	No development is proposed with this partition application, but Single Family Detached Residential lots are proposed.	Yes
Development Code Sections 20.05.15			
Minimum Lot Area	2,000 square feet	The applicant proposes fifteen parcels with a minimum lot size of 2,300 square feet.	Yes
Yard Setbacks Minimums: Front Side Rear Garage	15-feet 5-feet 15-feet 20-feet	No structures are proposed, but reduced yard setbacks have been applied for through Major Adjustment applications ADJ2015-0008 and ADJ2015-0009. The existing single family home and related structures are proposed to be demolished. See Major Adjustment Findings herein. Proposed Adjusted Yard Setbacks Minimums: Front: 15-feet Side: 3-feet w/ 6-feet between structures Rear: 12-feet Garage: 20-feet	Yes with Approval of ADJ2015-0008 and ADJ2015-0009
Maximum Building Height	40 feet	Not applicable, no structures are proposed.	N/A

Analysis & Findings for Preliminary Subdivision Approval LD2015-0029 – Hall Boulevard 15-Lot Subdivision

Section 40.45.15.5.C Approval Criteria.

In order to approve a Preliminary Subdivision application, the decision making authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria are satisfied.

- 1. The application satisfies the threshold requirements for a Preliminary Subdivision application.***

Facts and Findings:

Section 40.45.15.5.A Threshold: An application for a Preliminary Subdivision shall be required when the following threshold applies:

“The creation of four (4) or more new lots from at least one (1) lot of record in one (1) calendar year.”

The applicant proposes to divide one (1) legal lot into fifteen (15) legal lots of record and one separate storm tract to be dedicated to the City of Beaverton.

Therefore, staff finds the proposal meets the criterion for approval.

- 2. All City application fees related to the application under consideration by the decision making authority have been submitted.***

Facts and Findings:

The applicant submitted the required fee for a Preliminary Subdivision application.

Therefore, staff finds the proposal meets the criterion for approval.

- 3. The proposed development does not conflict with any existing City approval, except the City may modify prior approvals through the subdivision process to comply with current Code standards and requirements.***

Facts and Findings:

The proposed preliminary subdivision does not conflict with any prior approvals.

Therefore, staff finds the proposal meets the criterion for approval.

- 4. Oversized lots resulting from the subdivision shall have a size and shape which will facilitate the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed subdivision and future potential development on oversized lots. Easements and rights-of-way shall either exist or be proposed to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot.***

Facts and Findings:

Oversized lots are defined by the Beaverton Development Code as lots which are greater than twice the minimum lot size allowed by the subject zoning district. Approval of LD2015-0029 will bring the existing oversized lot into conformance with the R2 minimum lot size standards.

Therefore, staff finds the proposal meets the criterion for approval.

- 5. If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provides for necessary public improvements for each phase as the project develops.***

Facts and Findings:

The applicant is not requesting a phasing plan.

Therefore, staff finds the criterion for approval is not applicable.

- 6. Applications that apply the lot area averaging standards of Section 20.05.15.D. shall demonstrate that the resulting land division facilitates the following:***

Facts and Findings:

The subject site is currently zoned R2 and lot averaging is not applicable.

Therefore, staff finds the proposal meets the criterion is not applicable.

- 7. Applications that apply the lot area averaging standards of Section 20.05.15.D. shall not require further Adjustment or Variance approvals for the Land Division.***

Facts and Findings:

The subject site is currently zoned R2 and adjustment and variance applications for minimum lot areas are not being sought.

Therefore, staff finds the criterion for approval is not applicable.

8. The proposal does not create a lot which will have more than one (1) zoning designation.

Facts and Findings:

Approval of LD2015-0029 will result in all fifteen lots created by the proposal retaining the Urban Standard Density (R2) zoning designation.

Therefore, staff finds the proposal meets the criterion for approval.

9. Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.

Facts and Findings:

The applicant has submitted this Preliminary Subdivision application and the two associated Major Adjustments, Tree Plan Two and Sidewalk Design Modification applications for this project. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant for this stage of City approvals.

Therefore, staff finds the proposal meets the criterion for approval.

RECOMMENDATION

Based on the facts and findings presented, staff recommends APPROVAL of LD2015-0029 (Hall Boulevard 15-Lot Subdivision) subject to the applicable conditions identified in Attachment F.

Land Division Standards Code Conformance Analysis

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Grading Standards			
60.15.10.1 Applicability	Grading standards apply to all land divisions where grading is proposed but do not supersede Section 60.05.25 Design Review.	The proposal is subject to the grading standards contained herein.	Yes
60.15.10.3.A-E Grading Standards	Maximum of either (2), (4), (6), (8) or (10) foot slope differentials from the existing or finished slope of the abutting property.	The applicant states that the maximum grade differential for this increment does not exceed 2 feet.	Yes
Utility Undergrounding			
60.65.15 Utility Undergrounding	All existing and proposed utility lines within and contiguous to the subject property, including, but not limited to, those required for electric, communication, and cable television services and related facilities shall be placed underground...	The applicant has proposed to underground all utilities.	Yes

Analysis & Findings for Tree Plan Two Approval TP2015-0017 – Hall Boulevard 15-Lot Subdivision

Section 40.90.05 Purpose:

Healthy trees and urban forests provide a variety of natural resource and community benefits for the City of Beaverton. Primary among those benefits is the aesthetic contribution to the increasingly urban landscape. Tree resource protection focuses on the aesthetic benefits of the resource. The purpose of a Tree Plan application is to provide a mechanism to regulate pruning, removal, replacement, and mitigation for removal of Protected Trees (Significant Individual Trees, Historic Trees, trees within Significant Groves and Significant Natural Resource Areas (SNRAs), and Community Trees thus helping to preserve and enhance the sustainability of the City's urban forest. This Section is carried out by the approval criteria listed herein and implements the SNRA, Significant Grove, Significant Individual Tree, and Historic Tree designations as noted or mapped in Comprehensive Plan Volume III.

40.90.15.2.C Approval Criteria:

In order to approve a Tree Plan Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. The proposal satisfies the threshold requirements for a Tree Plan Two application.***

Facts and Findings:

Staff finds the proposal meets Tree Plan Two Threshold #1:

- 1. "Removal of five (5) or more Community Trees, or more than 10% of the number of Community Trees on the site, whichever is greater, within a one (1) calendar year period, except as allowed in 40.90.10.1."*

Staff has reviewed the information submitted in the arborist report and compared this to the applicant's written information and has assessed that the applicant is proposing to remove fifty three (53) community trees from the project site. Community Trees are healthy trees with diameters larger than 10-inches at breast height which are not fruit or nut trees.

Therefore, staff finds that the proposal meets the criterion for approval.

- 2. All City application fees related to the application under consideration by the decision making authority have been submitted.***

Facts and Findings:

The City of Beaverton received the appropriate fee for a Tree Plan Two application.

Therefore, staff finds that the proposal meets the criterion for approval.

- 3. If applicable, removal of any tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.***

Facts and Findings:

The applicant states it is necessary to remove trees for the construction of the houses, private street, sidewalks, planter strips, garbage enclosure and associated parking. No trees are proposed for removal in order to meet ANSI standards.

Therefore, staff finds that this approval criterion is not applicable.

- 4. If applicable, removal of any tree is necessary to accommodate physical development where no reasonable alternative exists.***

Facts and Findings:

The applicant states that they have explored many options for development of the site and found that the proposed configuration is the most efficient for circulation and parking. The proposed removal of fifty three (53) community trees, is necessary in order to accommodate construction of the houses, private street, sidewalks, planter strips, garbage enclosure and associated parking. In this case, a reasonable alternative to removing the trees was not apparent.

Therefore, staff finds that the proposal meets the criterion for approval.

- 5. If applicable, removal of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.***

Facts and Findings:

The removal of trees shown on the plan(s) is for the construction of the single-family residential development, including, but not limited to: single family home sites, private road, sidewalk/planter strips and associated parking and pedestrian walkways. No trees are proposed for removal in order to eliminate a nuisance.

Therefore, staff finds that this approval criterion is not applicable.

- 6. If applicable, removal is necessary to accomplish public purposes, such as installation of public utilities, street widening and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.***

Facts and Findings:

The removal of trees shown on the plan(s) are for the construction of the single-family residential development, including, but not limited to: all associated parking and pedestrian walkways. No trees are proposed for removal in order to accomplish public purposes.

Therefore, staff finds that this approval criterion is not applicable.

- 7. If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees to eliminate conflicts with structures or vehicles.***
- 8. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in a reversal of the original determination that the SNRA or Significant Grove is significant based on criteria used in making the original significance determination.***
- 9. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of wind throw.***

Facts and Findings:

In response to criteria 7, 8, 9 above, staff finds that the site does not contain an SNRA area containing wetland, creek, and riparian habitat. The removal of trees shown on the plan is for the construction of the buildings and associated parking. No trees are proposed for removal in order to enhance health or to eliminate conflicts with structures or vehicles.

Therefore, staff finds that approval criteria 7, 8 and 9 are not applicable.

- 10. The proposal is consistent with all applicable provisions of Section 60.60 Trees and Vegetation and Section 60.67 Significant Natural Resources.***

Facts and Findings:

The site does not contain an SNRA area containing wetland, creek, and riparian habitat. The removal of trees shown on the plan is for the construction of the buildings and associated parking.

Section 60.60 of the Beaverton Development Code, contains regulations for trees and vegetation, including standards for protection, pruning, removal, replacement, and mitigation. All of the trees on the subject site are either exempt/dead or classified as Community Trees, which are defined as, "A healthy tree of at least ten inches (10") DBH located on developed, partially developed, or undeveloped land. Please refer to the table on page TP-5.

Community Trees are those trees not identified as Significant, Historic, Landscape, or Mitigation Trees, trees within a Grove or a Significant Natural Resource Area, or trees that bear edible fruit or nuts grown for human consumption. Community Trees that are to be retained, are required to be protected during development by utilizing fencing, limiting disturbance to the root zones, and not undertaking specific development activities within the protected root areas.

As stated in findings for Tree Plan Criteria 1-9, the applicant requests removal of all Community Trees on the subject site so that physical development may be accommodated. Accordingly, Section 60.60 standards regarding protection of these trees are not applicable.

Therefore, staff finds that this approval criterion is not applicable.

11. Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

Facts and Findings:

Staff cites the findings for the Facilities Review *Criterion J* as it relates to this criterion.

Therefore, staff finds that by meeting the conditions of approval, the proposal meets the criterion.

12. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

Facts and Findings:

In the review of the materials during the application review, the Committee found all applicable application submittal requirements, identified in Section 50.25.1 were contained within this proposal. During the time of the review period, the information given appeared to be sufficient.

Therefore, staff finds that the proposal meets the criterion for approval.

13. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

Facts and Findings:

The applicant has submitted this Tree Plan Two application and the associated Preliminary Subdivision, Major Adjustment and Sidewalk Design Modification applications for this project. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant for this stage of City approvals.

Therefore, staff finds the proposal meets the criterion for approval.

RECOMMENDATION

Based on the facts and findings presented, staff recommends APPROVAL of TP2015-0017 – Hall Boulevard 15-Lot Subdivision subject to the applicable conditions identified in Attachment F.

Trees and Vegetation & Significant Natural Resources Standards Code Conformance Analysis

CODE SECTION	CODE REQUIREMENT	PROJECT PROPOSAL	MEET STANDARD
60.60.15 Pruning, Removal, and Preservation Standards			
60.60.15.1A-B	Pruning Standards	The applicant does not proposal pruning.	N/A
60.60.15.2.A	Removal of Protected Trees must be in accordance with this section.	There are no Protected Trees located on this lot.	N/A
60.60.15.2.B-C	Standards for SNRA & Significant Groves	Mitigation for Community Trees is not required. No SNRA's or Significant Groves are identified on site.	N/A
60.60.20 Tree Protection Standards During Development			
60.60.20.1	Trees shall be protected during construction by a 4' orange plastic fence and activity within the protected root zone shall be limited. Other protections measures may be used with City approval.	The applicant states that all trees on site are proposed for removal. Therefore protection of remaining trees is not applicable.	N/A
60.60.25 Mitigation Requirements			
60.60.25	Mitigation Standards: Mitigation is not required for Community Trees.	Mitigation is not required. Applicant has provided street trees and a storm water tract that will be landscaped in accordance with Clean Water Services standards during the Site Development review.	N/A
60.67 Significant Natural Resources			
60.67.05.1	Development activities in locations of possible significant natural resources and/or wetlands are subject to relevant procedures identified in Chapter 50.	No significant natural resources exist on site.	N/A
60.67.15.2	For sites identified in the Local Wetland Inventory notice of the proposed development shall be provided to DSL.	No significant natural resources exist on site.	N/A
60.67.10	Development activities in locations of Significant Riparian Corridors are subject to relevant procedures identified in Chapter 50.	No significant natural resources exist on site.	N/A

**ADJ2015-0003
ANALYSIS AND FINDINGS FOR
MAJOR ADJUSTMENT APPROVALS
ADJ2015-0008 and ADJ2015-0009**

Section 40.10.05. Adjustment Applications; Purpose

The purpose of an Adjustment application is to provide a mechanism by which certain regulations in this Code may be adjusted if the proposed development continues to meet the intended purpose of such regulations. This Section is carried out by the approval criteria listed herein.

Section 40.10.15.2.C Approval Criteria

In order to approve a Major Adjustment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. *The proposal satisfies the threshold requirements for a Major Adjustment application.***

Facts and Findings:

Section 40.10.15.2.A.1 Threshold: *An application for Major Adjustment shall be required when the following threshold applies:*

“1. Involves an adjustment of more than 10% and up to and including 50% adjustment from the numerical Site Development Requirement specified in Chapter 20 (Land Uses).”

The minimum side setback in the R2 zone is 5-feet. The applicant proposes an adjustment to allow side setbacks for all lots to be three (3) feet with a minimum of six (6) feet between homes, which is a 40% adjustment.

The minimum rear setback in the R2 zone is 15-feet. The applicant proposes an adjustment to allow rear setbacks for all lots to be 12-feet which is a 20% adjustment.

Therefore, staff finds that the criterion is met.

- 2. *The application complies with all applicable submittal requirements as specified in Section 50.25.1 and includes all applicable City application fees.***

Facts and Findings:

The City of Beaverton received the appropriate fee for both Major Adjustment applications.

Therefore, staff finds that the criterion is met.

3. ***Special conditions exist on the site that make it physically difficult or impossible to meet the applicable development standard for an otherwise acceptable proposal.***

The applicant states that special conditions exist that make it very difficult to meet the required minimum setbacks, because in order to come close to the minimum density requirement of approximately 19 dwelling units, combined with the unique lot dimensions of 90-feet wide by over 600-feet deep and the restricted access to the lot due to the city not allowing any additional driveways directly to arterials (SW Hall Boulevard), required extra creativity in designing the layout of the proposed subdivision and thus the necessity for the reduced yard setbacks.

Staff concurs with the applicant that the restraints stated above create a special condition which are unique to the subject lot and which make it more difficult for the applicant to comply with the minimum 5-foot side setback and the minimum 15-foot rear setback of the Urban Medium Density Residential (R2) zone.

Therefore, staff finds that the criterion is met.

4. ***The special conditions or circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute financial hardship or inconvenience.***

Facts and Findings:

The applicant states that the request is not a result of financial hardship or convenience and that the special conditions described in staff's findings for Criterion 3, as stated above, are circumstances that are unique to the subject lot. Strict design parameters for the specific use of the lot include: the shape of the lot (narrow and long), the minimum lot size, minimum density, required storm detention dedication and the restricted access through the adjacent lot to the southeast with no direct connection to a right-of-way.

Staff concurs with the applicant's statement that the request is not a result of financial hardship or convenience for the applicant, nor are the special conditions created by the applicant.

Therefore, staff finds that the criterion is met.

5. ***Granting the adjustment as part of the overall proposal will not obstruct pedestrian or vehicular movement.***

The applicant requests adjustment to a minimum three (3) foot side setback with a minimum of six (6) feet between structures, with a maintenance easement to the benefit of each property owner, so as to have adequate space to maintain the side of their homes. As part of the concurrent Preliminary Subdivision application, pedestrian and vehicular access along the private street and pedestrian access to

SW Hall Boulevard will not be obstructed by the proposed adjustments.

Therefore, staff finds that the criterion is met.

- 6. *City-designated significant trees and/or historic resources, if present, will be preserved.***

Facts and Findings:

There are no City-designated significant trees and/or historic resources on the subject site.

Therefore, staff finds that this approval criterion is not applicable.

- 7. *If more than one (1) adjustment is being requested concurrently, the cumulative effect of the adjustments will result in a project which is still consistent with the overall purpose of the applicable zoning district.***

Facts and Findings:

The applicant states that the cumulative effect of the adjustments allows the construction of adequate building envelopes that are 20-feet wide, meet minimum density requirements and that are able to comply with all state building and fire regulations.

Therefore, staff finds that the criterion is met.

- 8. *Any adjustment granted shall be the minimum necessary to permit a reasonable use of land, buildings, and structures.***

Facts and Findings:

The applicant states that the requested adjustment to the side and rear setbacks, are the absolute minimum necessary to maximize the density for a lot in the R2 zone and to gain the highest and best overall use of the narrow site with limited access.

Staff finds that the applicant has demonstrated that the requested Major Adjustments are the minimum necessary to make possible a reasonable use of the land and future structures, with minimal impact on surrounding property owners.

Therefore, staff finds that the criterion is met.

- 9. *Either it can be demonstrated that the modification equally or better meets the intent of the standard to be modified or the proposal incorporates building, structure, or site design features or some combination thereof that compensate for the requested adjustment.***

Facts and Findings:

In response to Criterion 9, the applicant states that the proposed design incorporates an adequate balance between building footprint size and location, spacing between neighboring structures for maintenance purposes and adequate pedestrian and vehicular access.

Staff finds that the intent of the Standards to be modified, are to ensure the minimal adequate spacing between adjacent buildings, while also trying to meet the minimum density and lot size requirements. The resulting three foot side setback with a minimum of six feet between structures, will allow adequate maintenance and access for all future homes.

Therefore, staff finds that the criterion is met.

- 10. *The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more application that have been approved or are considered concurrently with the subject proposal.***

Facts and Findings:

Staff cites the Code Conformance Analysis chart at the end of the Facilities Review section of this report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Urban Medium Density (R2) zone as applicable to the above mentioned criteria. As demonstrated on the chart, the development proposal meets the site development standards, with the exception of the minimum side and rear setbacks for which Major Adjustments are requested.

Therefore, staff finds the proposal will meet the criterion for approval by meeting the conditions of approval.

- 11. *The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.***

Facts and Findings:

Staff cites the findings within the Preliminary Subdivision, Tree Plan Two and Sidewalk Design Modification sections herein, which demonstrate that subject to approval of the Major Adjustment applications and all related applications cited above, the proposal will be in conformance with the applicable Code requirements of Chapter 60 (Special Requirements).

Therefore, staff finds the proposal will meet the criterion for approval by meeting the conditions of approval.

12. ***Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency.***

Facts and Findings:

The applicant identifies that all common facilities such as the private street, sidewalks, planter strip, street lighting and trash enclosure, will be maintained by the owners of the development, their homeowners association or their management agency. Staff finds nothing in the design or layout of the common facilities that would preclude adequate maintenance of the site.

Therefore, staff finds that the criterion is met.

13. ***The proposal does not include any lot area averaging as specified in Section 20.05.50.1.B or include any lot dimension reductions as specified in Sections 20.05.50.2.A.2 and .4 or 20.05.50.2.B.2 and .4.***

Facts and Findings:

The proposal does not include any lot area averaging.

Therefore, staff finds the criterion is not applicable.

14. ***Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

Facts and Findings:

The applicant has submitted all documents related to this request for Major Adjustment approval. Preliminary Subdivision, Tree Plan Two and Sidewalk Design Modification applications are being processed concurrently with the subject requests for Major Adjustments. The Major Adjustment applications are dependent upon approval of the Preliminary Subdivision application.

Therefore, staff finds the proposal will meet the criterion for approval by meeting the conditions of approval.

RECOMMENDATION

Based on the facts and findings presented, staff recommends APPROVAL of

ADJ2015-0008 and ADJ2015-0009 (Hall Boulevard 15-Lot Subdivision) subject to the applicable conditions identified in Attachment F.

Analysis & Findings for Sidewalk Design Modification Approval SDM2015-0015 – Hall Boulevard 15-Lot Subdivision

Section 40.58.05. Sidewalk Design Modification Application; Purpose

The purpose of the Sidewalk Design Modification application is to provide a mechanism whereby the City's street design standards relating to the locations and dimensions of sidewalks or required street landscaping can be modified to address existing conditions and constraints as a specific application. For purposes of this section, sidewalk ramps constructed with or without contiguous sidewalk panels leading to and away from the ramp shall be considered sidewalks. This section is implemented by the approval criteria listed herein.

Section 40.58.15.1.C. Approval Criteria

In order to approve a Sidewalk Design Modification application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that the following criteria are satisfied:

- 1. *The proposal satisfies the threshold requirements for a Sidewalk Design Modification application.***

Section 40.58.15.1.A.1 Threshold: *An application for Sidewalk Design Modification shall be required when the following threshold applies:*

1. The sidewalk width, planter strip width, or both minimum standards specified in the Engineering Design Manual are proposed to be modified.

The applicant requests a sidewalk design modification to construct a 5-foot sidewalk and 5.5-foot planter strip along the northwest side of the proposed private street and an 8-foot parking aisle along the southeast side of the proposed private street. The standard L3 local street design identifies a 5-foot sidewalk and a 6.5-foot planter strip on both sides of the street.

The application meets threshold 1 for a Sidewalk Design Modification.

Therefore, staff finds the proposal meets the criterion for approval.

- 2. *All City application fees related to the application under consideration by the decision making authority have been submitted.***

The City of Beaverton received the appropriate fee for the Sidewalk Design Modification application.

Therefore, staff finds the proposal meets the criterion for approval.

3. One or more of the following criteria are satisfied:

- a. That there exist local topographic conditions, which would result in any of the following:**
 - i. A sidewalk that is located above or below the top surface of a finished curb.**
 - ii. A situation in which construction of the Engineering Design Manual standard street cross-section would require a steep slope or retaining wall that would prevent vehicular access to the adjoining property.**
- b. That there exist local physical conditions such as:**
 - i. An existing structure prevents the construction of a standard sidewalk.**
 - ii. An existing utility device prevents the construction of a standard sidewalk.**
 - iii. Rock outcroppings prevent the construction of a standard sidewalk without blasting.**
- c. That there exist environmental conditions such as a Significant Natural Resource Area, Jurisdictional Wetland, Clean Water Services Water Quality Sensitive Area, Clean Water Services required Vegetative Corridor, or Significant Tree Grove.**
- d. That additional right of way is required to construct the Engineering Design Manual standard and the adjoining property is not controlled by the applicant.**

The applicant states the sidewalk design modification meets criterion 3b because the lack of a direct connection to a right-of-way prevents normal vehicular patterns through the proposed subdivision.

The applicant also states the sidewalk design modification meets criterion 3d because the adjoining property is not controlled by the applicant and that additional square footage would be required to meet the minimum width to accommodate a sidewalk and planter strip on both sides of the private street. The applicant states that the minimum width for a parking space is 7.5-feet per the parking lot design requirements of the Beaverton Development Code, so by replacing the sidewalk and planter strip on the southeast side of the private street, with an 8-foot wide, on-street parking aisle, they will be able to maintain the minimum travel lane widths while still providing a sidewalk and planter strip directly adjacent to the proposed building envelopes of each lot, while maintaining a direct pedestrian connection to SW Hall Boulevard.

Staff concurs with the applicant that these constraints result in the need for a modification to sidewalk and planter width requirements along the proposed private street, identified on the submitted plans.

Therefore, staff finds the proposal meets the criterion for approval.

4. *The proposal complies with provisions of Section 60.55.25 Street and Bicycle and Pedestrian Connection Requirements and 60.55.30 Minimum Street Widths.*

The applicant states that the proposal complies with the intent of Sections 60.55.25 and 60.55.30 by proposing a private street with no direct connection to SW Hall Boulevard, designed to a modified L3 local street standard, as shown on the site plan. Section 60.05.20.8.1.B states that private streets serving non-residential uses and residential uses having five or more units shall have raised curbs and minimum five (5) foot wide unobstructed sidewalks on both sides.

The L3 local street standard provides for a 5-foot sidewalk and 6.5-foot planter strip. The applicant provided a modified L3 design so as to meet the intent of this criterion, but that also meets the unique requirements of the lot.

Therefore, staff finds the proposal meets the criterion for approval.

5. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

The applicant has submitted this Sidewalk Design Modification application along with an associated Preliminary Subdivision, Tree Plan Two and Major Modification applications. Concurrent review of all applications satisfies this criterion. No other applications are required of the applicant for this stage of City approvals.

Therefore, staff finds the proposal meets the criterion for approval.

6. *The proposed Sidewalk Design Modification provides safe and efficient pedestrian circulation in the site vicinity.*

The applicant states that the proposed sidewalk modification is designed to provide safe and efficient use of pedestrian circulation by providing a 5-foot wide sidewalk that connects directly to SW Hall Boulevard and additional parking for the benefit of the future residents of this proposed subdivision.

Therefore, staff finds the proposal meets the criterion for approval.

RECOMMENDATION

Based on the facts and findings presented, staff recommends APPROVAL of SDM2015-0015 – Hall Boulevard 15-Lot Subdivision subject to the applicable conditions identified in Attachment F.

CONDITIONS OF APPROVAL

LD2015-0029, TP2015-0017, ADJ2015-0008, ADJ2015-0009, SDM2016-0015 Hall Boulevard 15-Lot Preliminary Subdivision

1. ADJ2015-0008, ADJ2015-0009, SDM2015-0015 and TP2015-00210 are subject to approval of LD2015-0029 (Planning/JST)

TP2015-0017 - Tree Plan Two

2. Ensure that all associated applications, including Preliminary Subdivision, Major Adjustments and Sidewalk Design Modification Applications have been approved and are consistent with the submitted plans. (Planning Division/JST)
3. At the conclusion of the construction the applicant shall submit a report showing which Community Trees were kept, if any and which were removed. (Planning Division/JST)

LD2015-0029 – Preliminary Subdivision

Prior to any site work commencing and issuance of the site development permit, the applicant shall:

4. Submit plans for required street trees in accordance with the Beaverton Engineering Design Manual and Standard Drawings and the City's Street Tree Program. (Planning Division/JST)
5. Shall submit plans that show the 5-foot dedication of right-of-way sufficient to provide a minimum of 48-feet from the centerline of SW Hall Boulevard. (Planning Division/JST)
6. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD)
7. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (June 2007, Resolution and Ordinance 2007-020), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
8. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4417; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)

9. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality and quantity) facilities, facility landscape planting, and common driveway construction by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)
10. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)
11. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD)
12. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div./JJD)
13. Submit plans for erosion control per 1200-CN General Permit (DEQ/CWS/City Erosion Control Joint Permit) requirements to the City. The applicant shall use the 2006 plan format per requirements for sites between 1 and 4.99 acres, adopted by Oregon DEQ and Clean Water Services. (Site Development Div./JJD)
14. Provide a detailed drainage analysis of the subject site and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. The analysis shall also delineate all areas on the site that are inundated during a 100-year storm event in addition to any mapped FEMA flood plains and flood ways. (Site Development Div./JJD)
15. Provide construction plans that show how each lot will be independently served by utility systems as required by the City Engineer and City Building Official per City standards. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div./JJD)
16. Submit a design for the grading surrounding, adjacent, and within the storm water quality facilities designed by a civil engineer or structural engineer for the expected hydrological conditions of the storm facility. Some minor changes to the grading may be needed in order to provide an adequate containment. This may require other minor modifications to the proposed storm water management facilities as reflected within the land-use application submittal. This land-use approval shall provide for such minor surface modifications (examples: revised grading or addition of small retaining walls, structure relocation, and interior grade changes less than two vertical feet variance) in the proposed facility without additional land-use applications, as determined by the City Engineer and City Planning Director. (Site Development Div./JJD)

17. Submit a revised grading plan showing that each lot has a minimum building pad elevation that is at least one foot higher than the maximum possible high water elevation (emergency overflow) of the storm water management facility and show a safe overflow route. A minimum finish floor elevation shall be established for the future homes based on service provision needs and whichever of the following three is highest in elevation: 1) at least two feet higher than the rim elevation of the downstream public sanitary sewer manhole; 2) two feet higher than the rim/overflow of the storm water system; and 3) as necessary to provide adequate fall per engineering and plumbing code standards to the furthest service point. It must also be shown that existing neighboring properties will not have any potential adverse drainage impact from the proposed site grading changes, utility construction, and stormwater facility overflow condition. (Site Development Div./JJD)
18. Submit to the City a certified impervious surface determination of the proposed project's new impervious area proposed for any common areas and common private street prepared by the applicant's engineer, architect, or surveyor. (Site Development Div./JJD)
19. Pay storm water system development charges (overall system conveyance) for the new impervious area proposed for the common driveway. (Site Development Div./JJD) (Site Development Div./JJD)
20. Provide plans for the placement of underground utility lines within the site to the existing homes, and for services to the proposed new home sites. No overhead services shall remain to any lot. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)
21. Provide plans for LED street lights along the site's public street frontages and the common driveway (Illumination levels to be evaluated per City Design Manual, Option C requirements unless otherwise approved by the City Public Works Director). (Site Development Div./JJD)

Prior to approval of the final plat, the applicant shall:

22. Install street trees, in conformance with Beaverton Engineering Design Manual and Standard Drawings and the City's Street Tree Program. (Planning/JST)
23. The applicant shall provide a written maintenance agreement or homeowner's association conditions, covenants and restriction documents in regards to the ongoing maintenance of the common private street, sidewalk, planter strip, garbage enclosure and mailboxes. Such agreement shall also be recorded with the final plat with the Washington County Recorder's Office. (Planning/JST)
24. Have commenced construction of the site development improvements to provide minimum critical public services to each proposed lot (access graded, cored and rocked; wet utilities installed) as determined by the City Engineer and to allow for verification that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. (Site Development Div./JJD)

Prior to building permit issuance for a new home, the applicant shall:

25. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
26. Have recorded the final plat with the County Surveyor and submitted a copy to the City. (Site Development Div./JJD)
27. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
28. Submit plans that reflect the minimum finish floor elevations determined and shown on the approved site development plans based on service provision needs and whichever of the following three is highest in elevation: 1) at least two feet higher than the rim elevation of the downstream public sanitary sewer manhole; 2) two feet higher than the rim/overflow of the storm water system; and 3) as necessary to provide adequate fall per engineering and plumbing code standards to the furthest service point. (Site Development Div./JJD)
29. Have placed underground all existing overhead utilities and any new utility service lines within the project and along any existing street frontage, as determined at site development permit issuance. (Site Development Div./JJD)
30. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)

Prior to final inspection of any building permit, the applicant shall:

31. Shall construct new sidewalks along the SW Hall Boulevard frontage to the Arterial street standards; 6-foot wide sidewalk and 7.5-foot wide planter strip as shown in the Engineering Design Manual with modifications per the approved site plan and along the proposed private street as shown on the approved plan. The sidewalk work shall be completed prior to occupancy (final inspection) of the new homes. (Planning/JST)
32. Install or replace, to City specifications, all sidewalks, curb ramps and driveway aprons which are missing, damaged, deteriorated, or removed by construction along the new house frontage and any the existing house frontage. (Site Development Div./JJD)
33. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)

Prior to release of performance security, the applicant shall:

34. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)
35. Submit, if needed, any required on-site easements not already dedicated on the plat, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)
36. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment/replacement of the vegetation and restoration of full function within the surface water management facility area, as determined by the City Engineer. If the plants are not well established or the facility not properly functioning (as determined by the City Engineer) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record or landscape architect that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Engineer prior to release of the security. (Site Development Div./JJD)

**** END OF CONDITIONS ****